UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/828,474	04/09/2001	Naoto Kinjo	Q63869	6764

7590 05/25/2006	**EXAMINER**
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ART UNIT	PAPER NUMBER
2628	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
Office Action Summary		09/828,474	KINJO, NAOTO
		Examiner	Art Unit	
		Hau H. Nguyen	2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 March 2006*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13 and 27-44* is/are pending in the application.

   4a) Of the above claim(s) *14-26* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13 and 27-44* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

Response to Arguments

1.   Applicant's arguments filed on March 13, 2006 have been fully considered but they are

not persuasive. In response to Applicant's arguments that the cited reference does not teach

"computer graphics algorithm executing a process of forming the computer graphics image by

said computer graphics algorithm...," the examiner respectfully disagrees. In fact, as cited in

previous Office Action and incorporated herein below for reference, Serra et al. teach "when the

print order generator 14b receives the printing job ticket, the print order generator 14b *retrieves*

the same image from the low resolution image generator 12b of the image service provider

system 12 via the network 22 *at the specified higher resolution.* This higher resolution is

typically *specified in the printing job ticket* that was sent from the ticket generator 13c. This

means that the low resolution image generator 12b sends either the image at the original highest

image resolution or at a specified higher resolution lower than the highest image resolution to the

printing service provider system 14" (col. 5, lines 35-45), and thus, *performing processing by*

said computer graphics algorithm at a higher drawing level than said particular drawing level

which was selected from said plurality of drawing levels based on editing data in the process of

forming said computer graphics image at said particular drawing level. Further, the computer

graphics algorithm, as interpreted by the examiner, is the whole process and application, as

illustrated in Figs. 1-4 of Serra et al.

        In addition, claim 1 only claims 'forming a computer graphics image', and there is no

"image manipulation" claimed.

        Since the cited reference meets the minimum requirements of the claims, rejection is

maintained.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 1-13, 27-38 are rejected under 35 U.S.C. 102(e) as being anticipated Serra et al.

(U.S. Patent No. 6,674,539).

Referring to claims 1, 27, 28, 30, 31, 33, and 36, as shown in Fig. 1, Serra et al. teach a

method for printing an image in a distributed network system 10 including an image provider

system 12, a printing service provider system 14, and a user terminal system 13 coupled together

via networks 20-22 (col. 3, lines 1-4). The image provider system 12 includes an image content

site 12a that stores images. A content site refers to a collection of data (e.g., a database or file

system) that contain a set of content data and/or applications for access (*computer graphics*

algorithms) (col. 3, lines 25-30). The image provider system 12 further includes a low image

resolution generator 12b in the image provider system 12 that can provide an image at different

resolutions (col. 4, lines 20-42) (*plurality of drawing levels based on amount of data and display*

resolution). Serra et al. also teach *selecting a particular drawing level* (low resolution image)

and providing to the user terminal, which in turn, *executes the process of forming the image at*

the selected drawing level (col. 4, lines 49-62, and col. 5, lines 3-8). Serra et al. further teach

performing processing the computer graphics algorithm at higher drawing level (processing

higher resolution image than the low resolution image received at the user terminal) *based on the*

editing data set provided by the user (col. 5, lines 16-22, and 35-45).

In regard to claims 2 and 3, as cited above, Serra et al. teach the image at higher drawing

level is image to be printed and outputting image.

In regard to claims 4 and 29, Serra et al. teach the user can customize the image including

cropping, rotating, scaling, adding overlay text to the image (col. 5, lines 3-9) (selecting

particular drawing level for each processing operation performed for producing *a specified*

particular effect on the image/ *designating image editing data to form the computer graphics*

image).

As per claims 5 and 6, Serra et al. teach preparing a plurality of computer graphics

algorithms based on the amount of data and display resolutions, and selecting a particular

algorithm based on the amount of data and display resolution or for each processing operation

performed for producing a specified particular effect is cited above with reference to column 4,

lines 32-48.

In regard to claims 7 and 38, as cited above, Serra et al. teach the user terminal (first

image processor) is performing processing image at lower resolution while the image service

provider system 12 (a second image processor) is performing processing image at higher

resolution at different timing from the first image processor (i.e. after receiving editing data set).

As per claims 8, 11, and 12, as also cited above, the user terminal, which can a personal

computer (col. 3, lines 47-50), and the image server (host computer) is connected through a

computer network 20-22.

In regard to claims 9 and 10, as described above, Serra et al. teach the image service provider can generate both low resolution image and high resolution image. Thus, the host computer processes the image at the particular drawing level (low resolution level image) and at high drawing level in the same image processor.

As per claim 13, as cited above, Serra et al. teach the image server performs processing operation at each of different drawing levels, and since the user can request the image to be processed to have a specified resolution (col. 4, lines 59-62) and accompanied with the editing data set (col. 5, lines 5-10), it is inherent that the time of the processing operation is set in advance depending upon the specified requested resolution of the image.

In regard to claims 32 and 34, as cited above, since the image server (the first image processor) processes high resolution image, and the user terminal (the second image processor) processes low resolution image, therefore, the processing speeds between the two processors are different. Since the user terminal can be any other electronic system with data processing capabilities (col. 3, lines 47-52), the performance of the CPU of the user terminal is different from the CPU of the image server.

As per claim 35, Serra et al. teach the low resolution image generator 12b always provides an image to the user terminal system 13a at a lower resolution. This allows the image to be quickly transmitted to the user terminal system 13 via the network 20 for viewing as the lower resolution requires transmission of less image data than a higher resolution would require (and therefore less amount of computation processing) (col. 4, lines 49-54) (selecting a particular drawing level is based on amount of computation processing).

In regard to claim 37, Serra et al. teach the user terminal 13b can be, for example, a

personal computer, a network computer, a notebook computer, a workstation, mainframe

computer, a supercomputer. Alternatively, the user terminal 13b can be any other electronic

system with data processing capabilities (col. 3, lines 47-52), and thus, including a personal

digital assistant (PDA).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   Claims 39-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Serra et al.

(U.S. Patent No. 6,674,539) in view of Goss et al. (U.S. Patent No. 6,396,503).

Referring to claims 39-44, as applied to claims 1, 4, and 6 above, Serra et al. teach all the

limitations of claims 39-44, except that the image component is at least one of a structure, a

human figure, clothes, at least part of a landscape and at least part of a texture of a surface of an

object.

However, Goss et al. teach a method of processing image from low resolution to high

resolution based on the user selected drawing level, wherein the image component is part of a

texture of surface of an object (Fig. 2, and col. 3, line 39 to col. 4, line 29), and further teach

shading the selected object in accordance with location and physical behavior of the light sources

in the scene (Fig. 5, col. 5, line 65 to col. 6, line 9).

Therefore, it would have been obvious to one skilled in the art to utilize the method as

taught by Goss et al. in combination with the method as taught by Serra et al. in order to provide

the object with greater realism.

Conclusion

5.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

6.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Hau H. Nguyen whose telephone number is: 571-272-7787. The

examiner can normally be reached on MON-FRI from 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kee Tung can be reached on (571) 272-7794.

The fax number for the organization where this application or proceeding is assigned is

571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system contact the Electronic Business Center (EBC) at 866-2 17-9197 (toll-free).

H. Nguyen

5/18/2006

Kee M. Tung
Primary Examiner